



1654

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re Application of:
Morrison et al.

Attorney Docket No. CKFW-P01-008

Serial No: 10/088,807

Art Unit: 1654

Filing Date: July 29, 2002

Examiner: Audet, Maury A.

For: PEPTIDE TRANSPORT

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

April 5, 2004
Date of Signature
and of Mail Deposit


Mary Jane DiPalma

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND REPLY UNDER 37 CFR 1.111

Sir:

This amendment is being filed in reply to the outstanding Office Action mailed January 6, 2004, in connection with the above application. Please enter the following amendments:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 11 of this paper.

11/03/2004 DWILLIA4 00000003 181945 10088807

01 FC:2202 171.00 DA

9399579_2

FEE VALUE ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
18	1945
FEE CODE	VALUE FURNISHED
2202	171.00

(19)

Applicants contend that the teachings of Byun et al., Kramer et al., and Longenecker et al., singularly or in combination, fail to satisfy at least two of the above three criteria, and accordingly fail to render obvious the claimed invention. Moreover, Kramer et al. and Swaan et al. actually *teach away* from the claimed invention. Accordingly, Applicants assert that the claims are not obvious in view of all cited references. Applicants respectfully request reconsideration and withdrawal of the rejection of the pending claims under 35 USC § 103.

CONCLUSION

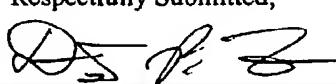
In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited.

Although Applicants believe no fees are due with this submission, the Commissioner is hereby authorized to credit any overpayment or charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-1945. Please direct any questions arising from this submission to the undersigned at (617) 951-7000.

Respectfully Submitted,

Date: April 5, 2004

Customer No: 28120
Docketing Specialist
Ropes & Gray LLP
One International Place
Boston, MA 02110
Phone: 617-951-7615
Fax: 617-951-7050



David P. Halstead
Reg. No. 44,735